

ANALYSIS

This ordinance amends Title 22 - Planning and Zoning of the Los Angeles County Code to add Part 16 of Chapter 22.52 to allow for the development of second units in residential and agricultural zones. The ordinance also makes conforming changes to other provisions of Title 22. A second unit is a dwelling unit that is either attached to, or located on the same lot as a single-family residence. California Government Code section 65852.2 authorizes the adoption of this ordinance.

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LLH:jn

01/13/04 (requested)

01/15/04 (revised)

ORDINANCE NO. _____

An ordinance amending Title 22 - Planning and Zoning of the Los Angeles County Code to establish development standards for second units on lots with existing single-family residences.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.08.180 is hereby amended to read as follows:

22.08.180 R.

. . .

-- Residence, Two-family. "Two-family residence" means a building containing two dwelling units, other than a single-family residence with an attached "second unit," as defined in Section 22.08.190.

. . .

SECTION 2. Section 22.08.190 is hereby amended to add the following definition in alphabetical order as follows:

22.08.190 S.

. . .

-- "Second unit" means a dwelling unit authorized by Part 16 of Chapter 22.52 that is either attached to or located on the same lot or parcel of land as an existing single-family residence. "Second unit" includes a manufactured home, as defined in section 18007 of the

California Health and Safety Code, and an efficiency living unit, as described in Section 11.20.370 of this code.

. . .

SECTION 3. Sections 22.20.070, 22.20.170, 22.20.260, 22.20.340, and 22.20.410 and subsections 22.24.070.A and 22.24.120.A are hereby amended to add the following to the list of permitted uses in residential and agricultural zones in alphabetical order as follows:

. . .

-- Second units, subject to the provisions of Part 16 of Chapter 22.52.

. . .

SECTION 4. Section 22.20.080 is hereby amended to read as follows:

22.20.080 Accessory Uses. Property in Zone R-1 may be used for the following accessory uses:

. . .

-- Detached living quarters on the same premises as, and not less than 20 feet from a single-family residence for the use of temporary guests or servants of the occupants of such residence provided:

1. That such quarters have no kitchen or kitchen facilities; ~~and~~
2. That such quarters are not rented or otherwise used as a separate dwelling; ~~and~~

3. That such quarters are established on a lot or parcel of land that does not contain a second unit; and

34. That such quarters are established on a lot or parcel of land having not less than one and one-half times the required area, except that said quarters may be established on any lot or parcel of land containing 10,000 square feet or more.

. . .

SECTION 5. Sections 22.20.100, 22.20.200, 22.20.290, 22.20.370, and 22.20.440 and subsections 22.24.100.A and 22.24.150.A are hereby amended to add to the list of uses subject to permits in residential and agricultural zones in alphabetical order as follows:

. . .

-- Second units located within any area described in subsection B of Section 22.52.1730, subject to the provisions of Part 16 of Chapter 22.52.

. . .

SECTION 6. Section 22.20.460 is hereby amended to add subsection C as follows:

22.20.460 Uses and development standards. Property in Zone RPD may be used for:

. . .

C. Second Units. Second units within an existing planned residential development, subject to the provisions of Part 16 of Chapter 22.52.

SECTION 7. Section 22.52.250 is hereby amended to read as follows:

22.52.250 Zones R-1, R-A, RPD, A-1, A-2, and A-2-H – Required area. No person shall use any main buildings or structures in Zones R-1, R-A, RPD, A-1, A-2, or A-2-H unless the lot or parcel of land on which they are located has the required area as specified in this Part 2 for each such building or structure. This provision shall not apply to accessory buildings or structures ~~or to~~ senior citizen residences, or second units.

SECTION 8. Section 22.52.1180 is hereby amended to add subsection E as follows:

22.52.1180 Residential uses.

. . .

E. A second unit with fewer than two bedrooms shall have one uncovered standard parking space; a second unit with two or more bedrooms shall have two uncovered standard parking spaces. A parking space provided for a second unit may be located in tandem with a parking space for the single-family residence only if such design is necessary in order to provide the required number of parking spaces for both units, and either space may be accessed from the driveway without moving an automobile parked in the other space. Notwithstanding subsection A.1 of this section, if

tandem parking is provided, one of the parking spaces for the single-family residence may be uncovered.

SECTION 9. Part 16 of Chapter 22.52 is hereby added as follows:

Part 16

SECOND UNITS

22.52.1700 Purpose. The purpose of this Part 16 is to provide for the development of second units, as defined in Section 22.08.190, in residential and agricultural zones with appropriate development restrictions, pursuant to section 65852.2 of the California Government Code. Nothing in this Part 16 shall preclude the development of multiple single-family residences pursuant to the provisions of Title 21 in lieu of and as an alternative to the procedures set forth in this Part 16 and section 65852.2 of the California Government Code.

22.52.1710 Applicability of zone, supplemental district, and specific plan regulations. All regulations of the zone and any supplemental district or specific plan area in which the second unit is located shall apply, except as follows:

A. Any such zone, district, or specific plan regulation shall be superseded by a contrary provision in this Part 16 regulating the same matter if the provision of this Part 16 is more restrictive than such regulation;

B. The parking requirements in subsection E of Section 22.52.1180 shall supersede those of any contrary zone, district, or specific plan regulation;

C. No zone, district, or specific plan regulation that would require an initial discretionary review or hearing prior to the creation of a second unit shall apply; and

D. No zone, district, or specific plan regulation that prohibits a second unit shall apply.

22.52.1720 Prohibited areas. A second unit shall be prohibited, if any part of its building site, as defined in Section 21.08.040 of this code, is located as follows:

A. Within a significant ecological area, as defined in Section 22.08.190, or within an environmentally sensitive habitat area, as shown on the sensitive environmental resources map of the Malibu Land Use Plan;

B. On land with a natural slope of 25 percent or more; or

C. Within the boundaries of a noise zone, as described in Section 22.44.350.

22.52.1730 Permitted areas. A second unit shall be permitted in any area that is not prohibited under Section 22.52.1720, provided the applicant obtains one of the following:

A. A site plan approval, as provided in Part 12, Chapter 22.56, if the second unit's building site, as defined in Section 21.08.040 of this code, is located:

1. Outside of a Very High Fire Hazard Severity Zone, as defined in Section 223-V of Title 32 of this code;

2. Within an area that is served by a public sewer system; and

3. Within an area that is served by a public water system; or

B. A conditional use permit, as provided in Part 1, Chapter 22.56, if the second unit's building site, as defined in Section 21.08.040 of this code, does not meet all of the locational criteria described in subsections A.1, A.2, and A.3 of this Section.

C. To obtain a site plan approval under subsection A of this Section, the applicant shall file an application under Section 22.52.1760; to obtain a conditional use permit under subsection B of this Section, the applicant shall file an application under Section 22.52.1770.

22.52.1740 Use restrictions. The following restrictions shall apply to the development of a second unit:

A. A lot or parcel of land upon which a second unit is developed shall contain no more than one single-family residence;

B. No more than one second unit is permitted on any lot or parcel of land;

C. A second unit may not be separately sold from the single-family residence on the same lot or parcel of land, but it may be a rental unit;

D. A second unit applicant shall be an owner-occupant of the single-family residence that is located on the same lot or parcel of land. Thereafter, either the single-family residence or the second unit shall be owner-occupied in perpetuity. The applicant shall record in the office of the county recorder, an agreement to this effect as a covenant running with the land for the benefit of the county of Los Angeles, and the covenant shall also declare that any violation thereof shall be subject to the enforcement procedures of Part 6 of Chapter 22.60;

E. A second unit within an equestrian district shall be located at least 35 feet from any side or rear property line, unless the unit is attached to and entirely within the outside horizontal dimensions of an existing single-family residence; and

F. A second unit shall not be permitted on a lot or parcel of land where there exists any of the following:

1. A mobilehome or residence for use by a caretaker, as defined in Section 22.08.030, and the caretaker's immediate family;
2. A senior citizen residence, as defined in Section 22.08.180; or
3. Detached living quarters, as defined in Section 22.08.040.

22.52.1750 Development standards.

A. As used in this section, "urban area" means an area for which the maximum density permitted by this Title 22 or by the adopted general plan, whichever is less, is greater than one dwelling unit per acre; and "rural area" means an area for which the maximum density permitted by this Title 22 or by the adopted general plan, whichever is less, is one dwelling unit or less per acre.

B. A second unit shall be subject to the following development standards:

1. Single-Family Residence Standards. A second unit shall comply with the development standards for a single-family residence set forth in subsection A of Section 22.20.105, except for the width and floor area requirements of subsections A.3 and A.4 of that section;

2. Street Access. The lot or parcel of land on which the second unit is located shall take vehicular access from a street or highway with a right-of-way of at least 50 feet in width;

3. Parking. Parking for a second unit shall comply with the provisions of subsection E of Section 22.52.1180;

4. Floor Area. The floor area requirements for a second unit shall be as follows:

a. The minimum floor area shall be 220 square feet; and

b. The maximum floor area shall vary depending on the location and size of the lot or parcel of land as follows:

i. In urban areas:

(1) 600 square feet, for lots or parcels of land less than 6,000 square feet in size;

(2) 800 square feet, for lots or parcels of land between 6,000 square feet and 7,499 square feet in size;

(3) 1,000 square feet, for lots or parcels of land between 7,500 square feet and 9,999 square feet in size; and

(4) 1,200 square feet, for lots or parcels of land 10,000 square feet or larger in size;

ii. In rural areas: 1,200 square feet;

5. Height. The maximum height of a second unit shall be as follows:

- a. In urban areas:
 - i. 17 feet for detached units; and
 - ii. 20 feet for attached units, with the following

exceptions:

- (1) Any portion of the structure that is set back more than 20 feet from the front property line may have an additional foot in height for every additional foot of setback, with a maximum of 35 feet in height; and

- (2) Any portion of the structure that is set back more than five feet from the side property line may have an additional foot in height for every additional foot of setback, with a maximum of 35 feet in height;

- b. In rural areas, 35 feet;

6. Minimum Lot Size. The minimum size of a lot or parcel of land on which a second unit is developed shall be:

- a. In urban areas, a net area of 5,000 square feet, except that this standard shall not apply to an attached second unit that is added as a second story and is entirely within the outside horizontal dimensions of the existing structure; and

- b. In rural areas, a gross area of one acre;

7. Maximum Lot Coverage. In urban areas, the maximum lot coverage for all buildings shall be 40 percent; and

8. Required Yards. In rural areas, each lot or parcel of land on which a second unit is developed shall have front, side, and rear yards of not less than 35 feet in depth.

C. Variances. The development standards in this section may be modified by variance in accordance with the provisions of Part 2 of Chapter 22.56.

22.52.1760 Application for site plan approval. An applicant for a second unit that is located in a permitted area governed by subsection A of Section 22.52.1730 shall submit a site plan and other documentation to substantiate that a proposed second unit complies with the provisions of this Part 16. In addition to the information and documents required by Section 22.56.1680, the submittal shall include the following:

A. Certifications by public sewer and public water purveyors, that the sewer and water facilities in the area are adequate to meet the demands of the second unit and all other properties served by the same sewer and water facilities;

B. If any portion of an exterior wall of the first story of the second unit will be located more than 150 feet from fire apparatus access, certification by the fire department that there exists a fire apparatus access road, as provided in Section 902.2.1 of Title 32 of this code;

C. Evidence that the applicant is an owner-occupant of the single-family residence located on the same lot or parcel of land on which the second unit is proposed;

D. Elevations of the second unit; and

E. Depiction on the site plan of all existing and proposed structures, driveways, and parking spaces.

22.52.1770 Application for conditional use permit. An applicant for a second unit that is located in a permitted area governed by subsection B of Section 22.52.1730 shall apply for and obtain a conditional use permit. The application for the conditional use permit shall contain, in addition to the materials required by Sections 22.52.1760 and 22.56.030, the following information and documents:

A. Application Within A Very High Fire Hazard Severity Zone. For a proposed second unit in a Very High Fire Hazard Severity Zone:

1. Preliminary verification, with conditions as applicable, by the county fire department and county department of public works that the existing single-family residence and second unit will be adequately protected against fire hazard; and

2. For a second unit within 200 feet of a nature preserve, wildlife habitat, park, forest, or similar area, owned by a public agency or non-profit organization, conceptual approval by the county fire department of a fuel modification plan that does not extend into these areas;

B. Application in Area With No Public Sewer System. For a proposed second unit within an area that is not served by a public sewer system, preliminary verification, with conditions as applicable, by the county department of health services that a private sewer system may be installed for the second unit in accordance with the guidelines of that department;

C. Application in Area With No Public Water System. For a proposed second unit within an area that is not served by a public water system, preliminary verification, with conditions as applicable, by the county fire department, county department of public works, and county department of health services that the existing or proposed water supply to the site will be adequate to serve, both the existing single-family residence and the second unit; and

D. All Applications. An assumption of risk, waiver of liability, and covenant not to sue by the applicant and the property owner, if different, and their successors for the county, its agents, officers, and employees, for damages resulting from approval of, or imposition of conditions on, a conditional use permit pursuant to this section.

SECTION 10. Subsection B of Section 22.56.1510 is hereby amended to read as follows:

22.56.1510 Regulations applicable. The following regulations shall apply to all nonconforming uses and to all buildings or structures nonconforming due to use and/or standards as specified herein:

. . .

B. Additions to a Nonconforming Use or a Building or Structure Nonconforming Due to Use and/or Standards. This section does not authorize the extension, expansion, or enlargement of the area of land or the area within a building or structure devoted to a nonconforming use, or the alteration, enlargement of, or addition to a building or structure nonconforming due to use and/or standards, or permit the

addition of land, buildings, or structures used in conjunction with a nonconforming use or a building or structure nonconforming due to use and/or standards except:

1. To the extent required by a subsequently enacted or subsequently adopted law, ordinance or regulation, and the director so finds. Such additions as are permitted by this subsection shall not be construed to extend the termination date of the subject nonconforming use, or a building or a structure nonconforming due to use.

2. Additions may be made to a building nonconforming due to use and/or standards which is designed for and used as a residence without requiring any additional parking space or driveway paving; provided that such additions neither increase the number of dwelling units in such structure, nor occupy the only portion of an area which can be used for required parking space or access thereto.

Notwithstanding the foregoing, a second unit in compliance with Part 16 of Chapter 22.52 may be developed on a lot or parcel of land containing a single-family residence nonconforming due to standards, provided that where the single-family residence is nonconforming due to parking standards, sufficient parking shall be provided to ensure that both the single-family residence and the second unit comply with the applicable provisions of Section 22.52.1180.

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